



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 98,365-B1)

In the application of:)
Kathleen E. Rodgers, et al.) Art Unit: 1654
Serial No: 09/772,819) Examiner: Audet
Filed: January 30, 2001) Confirmation: 3008
For: Methods for Accelerating Bone,)
Cartilage and Connective)
Tissue Growth)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPLICANT'S COMMENT ON PATENT TERM ADJUSTMENT CALCULATION
AND FILING OF TERMINAL DISCLAIMER

Dear Sir:

Applicants wish to make the following of record in the above identified patent application:

- 1) Applicants are in agreement with the calculation of the Office, noted in the Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) mailed October 6, 2004, that the Patent Term Adjustment to date is 482 days.
- 2) Applicants note that a Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent has been filed in this application, which may alter the applicability of the Patent Term Adjustment.

Respectfully submitted,
McDonnell Boehnen Hulbert & Berghoff LLP

Date: 12-29-04

By:


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